

103 CMR 411: DEDUCTIONS ~~.00: DEDUCTION~~ FROM SENTENCE
POLICY

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411.01 Purpose

~~The granting of deductions from the sentence of an inmate can provide incentives for participation in programs or activities.~~ 103 CMR 411.00 sets forth standards under which an inmate may receive deductions from a sentence for the satisfactory participation in ~~an~~ approved activities ~~program or activity~~, and further sets forth procedures for the computation of these deductions. 103 CMR 411 implements Massachusetts statutory provisions which provide inmates with an incentive to participate in activities. 103 CMR 411 is not intended to confer any procedural or substantive rights or any private cause of action not otherwise granted by state or federal law.

411.02 Statutory Authorization

103 CMR 411.00 is issued pursuant to M.—G.—L. c. 124 ~~§§ 1(j) and (q) and M.G.L. c. 127, §§ 129, 129C and 129D, and St. 1993, c. 124, §§ 1(j) and (q). ~~432.~~~~

411.03 Cancellation

103 CMR 411.~~00~~ cancels all previous Commissioner's and/or ~~DeputyAssociate~~ Commissioner's bulletins or other ~~Departmental~~ or institutional rules, policies, memoranda and regulations regarding the granting of deductions from sentence relating to the conduct of an inmate in accordance with M.G.L. c. 127, or an inmate's enrollment, performance in, or completion of, an —a— program or activity or programming by an inmate in accordance with M.G.L. c. 127, §§ 129C and 129D to the extent they are inconsistent with this 103 CMR 411.~~00~~.

411.04 Applicability

103 CMR 411.~~00~~ is applicable to all ~~state—~~inmates committed to the custody of the Massachusetts Department of Correction (Department or DOC) and housed in DOC ~~state~~ correctional ~~institutions~~ facilities, county correctional ~~institutions~~ facilities, and correctional ~~institutions~~ facilities operated by the federal government or other states where inmates committed to the custody of the ~~DOC~~ department are confined. 103 CMR 411.~~00~~ may also be applicable to inmates committed to a county correctional ~~institution~~ facility but confined in a ~~DOC~~ state correctional ~~institution~~ facility and to inmates, while incarcerated pursuant to a Massachusetts state still under sentence, who are committed to the Bridgewater State Hospital or a facility of the Department of Mental Health in accordance with M.G.L. c. 123, or the Massachusetts Treatment Center for Sexually Dangerous Persons in accordance with M.G.L. c. 123A.

411.05 Access

103 CMR 411.~~00~~ shall be maintained within the Central Policy File of the ~~DOC~~ Department and ~~shall will~~ be accessible to all ~~DOC~~ Department employees. A copy of the 103 CMR 411.~~00~~ shall also be maintained in each Superintendent's Central Policy File ~~superintendent's central policy file~~ and at each inmate library. Internet access for this policy can be obtained at:

<http://www.mass.gov/doc/policy>.

411.06 Definitions

Activity - An identified program, employment, education or vocational training offered by the DOC and approved by the Commissioner for eligibility to grant Earned Good Time (EGT) deductions for satisfactory participation by inmates.

Assistant Deputy Commissioner of Reentry - A senior level manager who reports to the Deputy Commissioner of Reentry and is responsible for ensuring policy compliance and standardization of procedures in such areas as classification, date computation, sex offender management, victim services and central records.

Boost Time - EGT in the amount of ten (10) days awarded to an inmate, pursuant to M.G.L. c. 127, §129D, upon successful completion of an activity six (6) months or more in duration, including demonstration of competency in the subject matter, that has been approved by the Commissioner.

Central Date Computation Unit (CDCU)- The unit responsible for executing all sentencing orders of the court and performing all date computation for the DOC throughout the inmate's incarceration, including updating inmate sentence structures with changes in sentencing, paroles, escapes, additional sentences, as well as the processing and approving all Certificates of Release/Discharge as the Commissioner's designee.

~~Commissioner - The Associate Commissioner of Reentry and Reintegration - the senior staff person whose duties include, but are not limited to, the management of classification, programs, education, reentry and reintegration.~~

~~Commissioner - the chief executive officer of the DOC Department of Correction.~~

Committing Institution - The~~the~~ institution to which the inmate is committed. ~~was originally committed, i.e., MCI-Cedar Junction at Walpole, MCI-Concord and MCI-Framingham.~~

~~Computerized Earned Time Report - the mechanism used to report earned good time credited to an inmate.~~

~~County, Federal, and Interstate (CFI) Unit - The unit of the Classification Division, supervised by the CFI Manager, that is responsible for coordinating inmate transfers to a and Federal Manager - the designated staff person whose duties include, but are not limited to; issues relating to inmates housed in county, another state or interstate and federal facilities.~~

~~Criminal Offender Record Information (CORI) - Records - records and data in any communicable form compiled by a Massachusetts criminal justice agency which concerns concerns an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, previous hearings conducted pursuant to M.G.L. c. 276, § 58A, where the defendant was detained prior to trial or released with conditions under M.G.L. c. 276, § 58A(2), sentencing, incarceration, rehabilitation, or release, as defined by M.G.L. c.6, § pursuant to M.G.L. c. 6, §§. 167. through 178B.~~

~~Deduction - A credit that reduces time to be served on aa deduction from sentence.~~

~~Deductions from From Sentence Master Card - A card used by DOC until December 1990 to to record an inmate's work, education and program participation., - earned through December, 1990.~~

~~Deduction from Sentence (DFS) Report- The report generated from the Inmate Management System (IMS) for a requested time period that itemizes the granted time and includes updated combined release dates.~~

~~Deduction from Sentence (DFS) Summary Sheet - The sheet used prior to the adoption of an electronic system of reporting that submitted itemized EGT to the Classification Division for approval.~~

~~Deputy Commissioner of Reentry - The DOC's Deputy Commissioner whose duties include, but are not limited~~

to the management of the Classification Division, Female Offender Services, Inmate Education and Training Division, Reentry and Program Services Division, and the Health Services Division.

Director of the Central Data Computation Unit - A manager who reports directly to the Assistant Deputy Commissioner of Reentry and is responsible for the management, policy and procedure compliance, and performance of respective staff of CDCU, Central Records, Sex Offender, Data Collection and Immigration, Customs and Enforcement Units.

~~Education program - an academic program which is approved and entered into the IMS, indicating the approval.~~

~~Facility - a state correctional facility, a county correctional facility, a correctional facility outside the Commonwealth, the Bridgewater State Hospital, the Department of Mental Health and the Treatment Center for Sexually Dangerous Persons at which state inmates are incarcerated.~~

Earned Good Time (EGT) - Deductions from sentence as authorized by M.G.L. c. 127, § 129D.

Earned Time History Report - The report generated from IMS for a requested time period that itemizes an inmate's participation in approved activities and lists all deductions recommended for an inmate's satisfactory participation.

Education Program - An academic program that is offered by the DOC and which may be approved by the Commissioner to be eligible to receive deductions for an inmate's satisfactory participation.

Employment Program - An approved job as outlined in 103 DOC 450 or 103 DOC 451 that is offered by the DOC and which may be approved by the Commissioner to be eligible to receive deductions for satisfactory participation.

Incomplete - A rating that denotes that an inmate did not complete~~-not completing~~ all requirements, duties,

and responsibilities required for the approved activity, and therefore the inmate's performance in that activity is not deemed satisfactory~~that attach to a program or activity.~~

Inmate Management System (IMS) - ~~DOC's~~~~The Department of Correction's~~ automated information system that provides processing, storage and retrieval of inmate-related information used~~needed~~ by DOC~~Department~~ personnel and other authorized users within the criminal justice system.

Inmate Sentence Listing (ISL) - The form generated from IMS which provides inmate sentence information and date computation.

Institution - Any place within which a DOC-sentenced inmate may be incarcerated, including but not limited to a state or county correctional institution, a federal or other state's correctional institution, the Bridgewater State Hospital, and the Massachusetts Treatment Center.

Month - ~~A~~ calendar month.

Prison Camp - A camp established~~a camp designated~~ by the Commissioner pursuant to M.G.L. c. 127, §§ 83A or 83E, ~~i.e., MCI-Plymouth.~~

Prison Industry - A work activity~~industry~~~~a program~~ established pursuant to~~under~~ M.G.L. c. 127, § 51.

Program - Any activity designed to promote successful inmate reentry into the community and which may be approved by the Commissioner to be eligible to receive deductions for an inmate's satisfactory participation.

Records Manager - The person responsible for the daily operations of an institution's Records Department.

~~Satisfactory Conduct - the observance of all rules and regulations governing the behavior of an inmate.~~

~~Satisfactory Performance - A rating that denotes that an inmate has fulfilled the fulfillment of all requirements, duties and responsibilities required for an approved~~that attach to a program or~~ activity.~~

Superintendent - ~~The~~^{the} chief administrative officer of a correctional institution. ~~, a director of a contract facility or the administrator of a county correctional facility.~~

~~Un~~^{Unsatisfactory} Performance - A rating that denotes ~~that~~^{Conduct} - ~~the non-observance of any rules or regulations governing the behavior of an inmate has not fulfilled all requirements, duties and responsibilities required for an approved activity.~~

Vocational Training - A trade or skill development activity that is offered by the DOC and ~~Program~~ - ~~a vocational program~~ which may be approved by the Commissioner to be eligible to receive deductions for an inmate's satisfactory participation. ~~is approved and entered into the IMS, indicating the approval.~~

411.07 Eligibility of Inmates to Receive Deductions from Sentence

Each ~~sentenced~~^{state} inmate may receive a deduction from his/~~her~~ sentence in accordance with 103 CMR 411.00 unless the law under which ~~the sentence~~^{an inmate} is ~~imposed~~^{committed specifically} prohibits the awarding of ~~deductions.~~ ~~An inmate serving a life sentence may be granted such deductions.~~

411.08 Activities

A. ~~Superintendents shall ensure~~ ~~except~~ that information regarding activities offered at their institutions is made available to inmates and shall be posted in each Law Library. ~~such deductions shall not take effect upon the sentence computation unless the sentence is commuted or otherwise revised to a term of years.~~

B. An inmate may receive deductions for satisfactory ~~411.08~~ Program and Activities

~~(1) General Standards, Categories of Programs and Activities.~~ The following are general standards and categories of programs and activities under ~~103 CMR 411.00:~~

~~(a) Satisfactory performance of an inmate in a work assignment approved via the institution work assignment plan as contained~~outlined~~ in 103 DOC 450, Facility: Institution Work Assignments or 103 DOC 451, Inmate Community and Facility Work Crews Procedure, and approved by the Commissioner or designee to be eligible to receive EGT.~~

An inmate may receive deductions for satisfactory

~~(b) Satisfactory performance of an inmate in an educational or vocational program. Approved educational or vocational programs are listed in activities IMS.~~

~~(c) Satisfactory performance of an inmate in any other program or activity which havehas been approved~~submitted~~ by the superintendent and approved by the Associate Commissioner of Re-entry and Reintegration. Approved programs are listed in IMS.~~

~~(2) The superintendent of each state correctional facility and county correctional facility or a designee shall, subject to the approval of the Commissioner or a designee, post a list of approved programs for their institution. Except for inmates subject to the provisions of 103 CMR 411.12, an inmate may receive deductions from sentence only for participation in those approved programs and activities specifically set forth on such lists. Programs and Activities Lists, for Department of Correction facilities, shall be reviewed at least annually and may be revised and updated annually~~

C. for submission to be eligible to receive EGT.
~~the Commissioner or a designee, for review and approval.~~

~~(3) No state inmate, confined in a state or county facility, shall receive any deductions from sentence unless the inmate has participated satisfactorily.~~

411.09 Deductions from Sentence

Pursuant to (1) ~~M.G.L. c. 127, § 129D,~~ CDCU

~~(Earned Good Time)~~

~~(a) An inmate may receive a maximum of 7.5 days a month deduction from sentence for satisfactory performance in an approved employment, educational or vocational training program or activity. (Note: To earn credit for a month's participation, inmates should normally be participating for 15 continuous days or more in a calendar month.) Such deductions shall be granted in the following manner:~~

~~1. Employment Programs: Deductions totaling not more than 2½ days a month may be granted to an inmate who is involved in one or more approved work program(s).~~

~~2. Education and Vocation Training Programs: Deductions totaling not more than 2½ days a month may be granted to an inmate who is involved in one or more approved educational or vocational training program(s).~~

~~3. Activities: Deductions totaling not more than 2½ days a month may be granted to an inmate who is involved in one or more approved activities.~~

~~(b) Any deductions from sentence earned pursuant to M.G.L. c.127, § 129D, once granted, cannot be forfeited for disciplinary infractions.~~

~~(2) M.G.L. c.127, §129C (Camp Time)~~

~~(a) For the satisfactory conduct of an inmate confined in a prison camp, the Commissioner or designee may grant a deduction from sentence of not more than 2½ days for each 30 day period spent in confinement in a prison camp.~~

~~(b) Any deductions from sentence granted pursuant to M.G.L. c. 127, § 129C once~~

~~granted, cannot be forfeited for disciplinary infractions, or escape from a prison camp.~~

~~411.10 Procedures for Granting Deductions~~

~~Earned good time will be updated on all state inmates and state inmates housed in county facilities in accordance with the schedule outlined in 103 CMR 411.00.~~

~~At sites where IMS has been fully implemented, an inmate is enrolled in programs through the Programs Enrollment screen or in work through the Review and Assign Inmate screen. Program facilitators and work supervisors must enter attendance at the completion of each program or work session. Performance is rated and entered into IMS monthly by the program facilitators and work supervisors through the Performance Rating screen. Program supervisors, Industries Supervisors, and the work assignment officer must complete the credit approval screen for the prior month by the 6th of the month. Additionally, for applicable programs, program supervisors shall complete the Good Time for Program Completion screen after the program facilitator has entered the inmate in the Program Discharge screen as successfully completing the program. For any earned good time awarded in error, deletion requests shall be forwarded to Technology Services through the Director of Treatment for Programs/Education and Work Assignments. For sites where IMS has not been fully implemented, the following procedures shall be followed:~~

- ~~(1) Supervisors of programs, industrial instructors, or other personnel involved in supervising an inmate in an approved program or activity shall, at the end of each month, prepare a monthly program roster, listing all inmates who participated in that program or activity for that month, rating performance as either satisfactory, unsatisfactory or incomplete. Program rosters must be submitted to the institutional record supervisor by the 15th day of the following month and entered into the Earned Good Time Screen and authorized by the end of that month. For earned time prior to December 1990, reference the~~

~~Deduction From Sentence Master Card.~~

- ~~(2) The institutional records supervisor, or designated staff shall provide an accurate Deduction from Sentence report for each inmate at least annually. This information may be provided at more frequent intervals at the discretion of the superintendent or a designee. Each time an inmate is given an updated Deduction from Sentence report, or other accurate date computation printout, it shall be documented in the Deduction from Sentence Tracking Log screen.~~
- ~~(3) ~~Whenever~~ an inmate transfers to a county correctional facility, an earned time report must be issued, accompany the transfer and will list all outstanding deductions for programs and activities in which the inmate has participated satisfactorily.~~
- ~~(4) Subsequent earned time awarded to state inmates in county facilities shall be awarded in accordance with 103 CMR 411.00, submitted to the county, interstate and federal manager in the form of an approved roster and entered into the computer system. On at least an annual basis the county facility will be issued a computerized Deduction from Sentence report for each inmate. Each time an inmate is given an updated Deduction from Sentence report, or other accurate date computation printout, it shall be documented in the Deduction from Sentence Tracking Log screen.~~
- ~~(5) The institutional records supervisor or designee, shall at least 60 days prior to the projected discharge date of the inmate submit to the superintendent or a designee a projected discharge date which includes deductions for programs and activities in which the inmate participated satisfactorily while confined. For purposes of 103 CMR 411.00 the projected discharge date shall be computed by determining either the maximum date of discharge with adjustments for M.G.L. c. 127 § 129C (camp time) and § 129D (earned) deductions or the good conduct discharge date with adjustments for M.G.L. c. 127, § 129 (statutory good time), c.127, § 129C (camp time), § 129D (earned) deductions,~~

~~and forfeitures under M.G.L. c. 127, § 129.~~

- ~~(6) An inmate may earn good time for the final month of incarceration not to reduce the final discharge date below the 15th day of the month of discharge, presuming that the inmate will continue satisfactory participation in present activities and programs. Although processed, these credits will only be applied to the inmate's sentence upon confirmation of satisfactory participation in the activity or program. These credits shall be noted in the Process Order screen - Discharge Information tab in the "other" field. This should be considered the inmate's projected discharge date in the Preliminary List Query screen.~~
- ~~(7) In the event that an inmate challenges any deductions from sentence as recorded on the Deduction from Sentence or other date computation report the inmate may submit a written request for reconsideration. The request for reconsideration must be submitted within ten business days from the date of receipt of the Deduction from Sentence or other date computation report. Any request for reconsideration must be submitted to the records supervisor at the institution where the earned time is claimed to have been earned.~~
- ~~(8) Notwithstanding the fact that an inmate serving a life sentence shall not be granted deductions from his sentence unless the sentence is commuted or otherwise revised to a term of years, 103 CMR 411.10(1) through 411.10 (7) shall apply. Any deductions granted shall be kept in the inmate's file and may only be credited if such sentence is commuted or otherwise revised to a term of years.~~

~~411.11~~ Computation

- ~~(1) Deductions from sentence granted under 103 CMR 411.00 shall reduce the maximum sentence of the inmate and where the inmate is also serving a minimum sentence, such minimum sentence, unless prohibited by Massachusetts General Laws.~~

- ~~(2) Deductions from sentence under M.G.L. c. 127, §§ 129C and 129D, once earned, shall not be forfeited.~~

~~411.12 Deductions for Inmates Confined in Facilities Other than State Correctional Facilities~~

~~An inmate of a state correctional facility who has been transferred to a correctional facility operated by the federal government, or another state, may be granted deductions from sentence as listed below:~~

- ~~(1) Inmates may receive deductions for work, education, or vocation programs provided participation is documented by the receiving state on a progress report.~~

- ~~(2) Inmates may receive deductions for programs in the receiving state only if the program is staff monitored, staff coordinated, and attendance is taken. Further, the program cannot be predominately social in nature and the program should be assessed as to its service to inmates or the community.~~

- ~~(3) The responsible staff person shall request the administrator of the other correctional facility operated by the federal government or another state to recommend, where such administrator deems appropriate, that a deduction from sentence be granted via progress report. A written program summary may be required prior to awarding deductions from sentence.~~

- ~~(4) The responsible staff person shall record the number of sentence deductions of the inmate into the IMS.~~

~~(Note: County, Federal and Interstate Unit is responsible for inmates transferred via the Federal Agreement, New England, or Interstate Corrections Agreement; the sending site is responsible for inmates transferred via Interstate Agreement on Detainers; the committing site is responsible for inmates serving concurrent~~

~~Massachusetts sentences.)~~

~~411.13~~ Emergencies

~~Whenever in the opinion of the Commissioner, Deputy Commissioner, or the Superintendent of a state correctional institution, an emergency exists which requires suspension of all or part of 103 CMR 411.00, the suspension may be authorized, provided, that any such suspension over 48 hours must be authorized by the Commissioner.~~

~~411.14~~ Responsible Staff

- ~~(1) The Commissioner shall be responsible for implementing and monitoring 103 CMR 411.00 throughout the Department.~~
- ~~(2) Each superintendent or a designee shall be responsible for the implementation of 103 CMR 411.00 and for the development of any and all necessary and appropriate institutional policies and procedures.~~

~~411.15~~ Annual Review

~~103 CMR 411.00 shall be reviewed at least annually by the Commissioner or a designee. The party or parties conducting the review shall develop a memorandum to the Commissioner with a copy to the Central Policy File indicating that the review has been completed. Recommendations for revisions, additions or deletions shall be included.~~

~~411.16~~ Severability

~~If any article, section, subsection, sentence, clause or phrase of 103 CMR 411.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner, or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 411.00.~~

~~REGULATORY AUTHORITY~~

~~103 CMR 411.00: M. G. L. c.127, §§ 129, 129C and 129D and
c. 124, §§ 1 (j) and (q).~~

TO:

FR: ~~Records Department~~

RE: ~~Program Approval for Inmates in Other Jurisdictions~~

~~Inmate Name:~~

~~Other Jurisdiction Identification Number:~~

~~Massachusetts Identification Number:~~

DT:

~~The above referenced inmate is currently serving a Massachusetts sentence. It is the policy of the Massachusetts Department of Correction to approve programs in advance of awarding earned good time. In order for the Massachusetts Department of Correction to properly credit him/her with any owed earned good time it is respectfully requested that the following information be provided.~~

~~Program Name: _____~~

~~1. Is the program staff run, monitored and coordinated? _____
YES _____ NO _____~~

~~2. Is attendance taken? YES _____ NO _____~~

~~3. Is the program primarily social in nature? YES _____
NO _____~~

~~4. Is the program believed to be of service to inmates or the
community? YES _____ NO _____~~

~~*****Please attach to this form a program description.*****~~

~~Your assistance in this process is greatly appreciated. If you
have _____ questions, please _____ direct them to
_____. _____ can be
reached at _____. The information may faxed to
_____ or mailed to:~~

Name/Department

Institution Name

Address

TO:

FR: ~~Records Department~~

RE: ~~Education Approval for Inmates in Other Jurisdictions~~

~~Inmate Name:~~

~~Other Jurisdiction Identification Number:~~

~~Massachusetts Identification Number:~~

DT:

~~Inmate _____ is currently serving a Massachusetts sentence. In order for the Massachusetts Department of Correction to properly credit him/her with any owed earned good time it is respectfully requested that the following information be provided.~~

~~It is the policy of the Massachusetts Department of Correction to validate education programs in advance of awarding earned good time. In an effort to properly credit the inmate, please respond to the following questions:~~

~~Education Program~~

~~Name:~~ _____

~~1. Is the educational program staff run, monitored and coordinated? YES _____ NO _____~~

~~2. Is attendance taken? YES _____ NO _____~~

~~3. Is there an evaluation component? YES _____ NO _____~~

~~4. Are there start and stop dates to the education program? _____ YES _____ NO _____~~

~~Please attach to this form an education program description. This is needed so that the Massachusetts Department of Correction can properly approve the education program for credit. Your assistance in this process is greatly appreciated.~~

If you have questions, please direct them to
_____.
_____ can be reached
at _____.

103 CMR: DEPARTMENT OF CORRECTION

~~Commonwealth of Massachusetts
Department of Correction
Standard Operating Procedures
Attachment to 103 CMR 411, Deduction from Sentence
Procedures for Deductions~~

~~I. Purpose~~

~~The purpose of this document is to establish procedures for the deduction of earned good time ("EGT") from an inmate's sentence for satisfactory performance in an approved activity.~~

~~II. Deductions~~

~~A. Per M.G.L. c. 127, §129D, the Superintendent or designee, Director of Inmate Education and Training or designee, Director of Community Work Crews Central Division or designee, or the Central Date Computation Unit ("CDCU") may deduct a maximum of ten (10) days per month from an inmate's sentence for satisfactory performance in an approved activity in any of the following categories.÷~~

- ~~1. Employment: Programs: The Superintendent, their designee or CDCU may grant deductions totaling not more than five (5) days per month to an inmate who has satisfactorily performed in an employment activityprogram(s) approved by the Commissioner or designee. An inmate may not participate in more than one employment activity unless all other inmates within that respective institution are employed.~~
- ~~2. Education : CDCU may grant deductions totaling not more than ten (10) days per month, Programs: The Director of Education and Training, their designee, or CDCU may grant deductions totaling not more than five (5) days per activity, month for each program to an inmate who has satisfactorily performed in at least onean educational activityprogram(s) approved by the Commissioner or designee.~~

~~3. Vocational Activity: Vocation Trainings: The Director of Inmate Education and Training, their designee, or CDCU may grant deductions totaling not more than five (5) days per month for each training to an inmate who has satisfactorily performed in a vocation training(s) approved by the Commissioner or designee.~~

~~3. Programs: The Superintendent, their designee, or CDCU may grant deductions totaling not more than five (5) days per month for each activity to an inmate who has satisfactorily performed in a vocational activity(s) approved by the Commissioner or designee.~~

4. Programs: CDCU may grant deductions totaling not more than ten (10) days per month, and five (5) days per program, program to an inmate who has satisfactorily performed in a program approved by the Commissioner or designee.

5. ~~Pre-Release: Program: For the satisfactory conduct of an inmate confined on pre-release status, the Superintendent, their designee or CDCU may grant deductions totaling a monthly deduction in the Program category of not more than two -and- one -half days (2.5) days for each monthtime spent in confinement on Pre-Releasepre-release status.~~

B. To earn deductions for a month'sone-month participation, an inmate shall participate in the activity for at least eighty percent (80%) of the scheduled duration of the activity for the respective month as well as complete and satisfactorily perform all requirements of the activity.

~~1. An offender may be assigned additional out of class work in lieu of an excused absence however this should be an exception and not the rule.~~

103 CMR: DEPARTMENT OF CORRECTION

C. ~~Per M.G.L. c. 127, §129D, the Superintendent, their designee, The Director of Inmate Education and Training, their designee, or CDCU~~ manymay grant a deduction of ten (10) days Boost Time in ~~a given month where the inmate has demonstrated competency in~~ an activity approved by the Commissioner or designee to be eligible for Boost Time. To be eligible for the Commissioner's approval for Boost Time, the ~~by means of completing and passing an activity-provided exam or by a Panel review which measures competency. The~~ activity must be at least six (6) months in duration, and the inmate who has participated in same shall have completed and passed an activity-provided exam which measures competency in the subject matter. ~~and~~ Boost Time, if awarded, shall be awarded during the ~~same~~ month ~~and successful completion after the~~ inmate has completed the demonstrated competency in the respective activity and passed the exam which measures competency in the subject matter. Boost Time cannot be awarded during the last three (3) months of an inmate's incarceration, regardless of when the activity is completed and the exam completed and passed.

D. Camp Time - For the satisfactory conduct of an inmate confined in a prison camp, ~~the institutional Records Manager or CDCU~~ may grant a ~~monthly~~ deduction from sentence of not more than two-and-one-half (2.5) days for each 30-day consecutive period ~~time~~ spent in confinement in a prison camp per M.G.L. c.127, § 129C.

E. Neither CDCU nor any DOC employee or entity may grant EGT for an inmate's participation in any activity that has not been approved by the Commissioner or designee as being eligible for same, or otherwise does not meet the criteria of M.G.L. c.127, § 129D or this regulation.

FE. Any deductions from sentence earned pursuant to M.G.L. c.127, § 129C and 129D, once granted, cannot be forfeited for disciplinary infractions.

~~F. In the event that~~ 411.10 Procedures for Granting Deductions and Notification

EGT shall be processed on all DOC inmates, whether housed in DOC, county, other state or federal institutions, as follows:

A. Inmates whose last name begins with the following letters shall be provided an updated DFS Report during the month as indicated:

<u>A, W, X, Y, and Z</u>	<u>January</u>
<u>B</u>	<u>February</u>
<u>C</u>	<u>March</u>
<u>D & E</u>	<u>April</u>
<u>F & G</u>	<u>May</u>
<u>H, I & J</u>	<u>June</u>
<u>K & L</u>	<u>July</u>
<u>M</u>	<u>August</u>
<u>N, O & P</u>	<u>September</u>
<u>Q & R</u>	<u>October</u>
<u>S</u>	<u>November</u>
<u>T, U & V</u>	<u>December</u>

The Records Manager or designee shall provide a DFS Report for each inmate annually, and in accordance with the above schedule. This information may be provided at more frequent intervals at the discretion of the Superintendent or designee. Each time an inmate is provided an updated DFS Report or other date computation listings, it shall be documented in the DFS Tracking Log screen located under the Date Computation module in IMS.

B. An inmate who seeks to challenge~~challenges~~ any deductions
from sentence as recorded on the DFS Report shall notify the Records Manager at the housing institution in writing within~~or Earned Good Time History Report the inmate may submit a written request for reconsideration. The request for reconsideration must be submitted within thirty~~ (30) days from the date of issuance~~receipt~~ of the DFS~~Deduction from Sentence or Earned Good Time History~~ Report that first contains~~listing~~ the contested~~challenged~~ deduction. The Records Manager at the housing institution shall refer all timely challenges to CDCU, who shall evaluate it after obtaining complete information from

institution staff. Following this evaluation, CDCU may grant EGT in accordance with this regulation. CDCU shall notify the inmate in writing of the outcome of its evaluation.

~~and/or program for which a deduction was not granted. The written request must be sent to the appropriate department, Work Assignment Officer, Director of Treatment or School Principal of the institution where the earned good time is claimed to have been earned.~~

C. Designated staff shall enter and approve all EGT via the credit approval screen for approved activities on a monthly basis. The approval will be completed the following month of the completed activity and must be completed by the sixth (6th) day of the current month.

D. If an inmate transfers to a county correctional institution, an updated Earned Time History Report shall accompany the transfer.

E. EGT processed for DOC inmates housed in county institutions must be in accordance with 103 CMR 411. EGT is recommended by the County, Federal and Interstate (CFI) Unit to CDCU following the receipt of an approved roster from the county liaison.

F.

~~III. EGT for Activities Participated in During Final Three (3) Months of Incarceration~~

An inmate may be awarded EGT ~~for activities participated in~~ during the final three (3) months of incarceration, as the CDCU ~~will~~ Superintendent/designee, Director of Inmate Education and Training/designee, the Director of Community Work Crews Central Division/designee or CDCU shall presume that the inmate will continue to satisfactorily participate in current activities as part of the inmate's reentry ~~re-entry~~ /discharge planning process. The CDCU ~~The Director of the Central Date Computation Unit or designee~~ will presume EGT for the inmate's last three (3) months of incarceration based on

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his/her satisfactory participation in such the
~~amount of EGT awarded for~~ activities during the
previous month. Inmates may enroll in
~~other additional~~ activities ~~during in~~ the last
three (3) months of their incarceration.
~~However, , however~~ they may be awarded EGT solely
based on the previous ~~month's months~~ activities,
not for the ~~other additional~~ activities
participated in during the last three (3) months
of their incarceration. —Boost Time shall not be
awarded during the last three (3) months of ~~an the~~
inmate's incarceration.

G.

Superintendents or ~~designees, designee(s),~~ the Division
of Inmate Education and Training or designee(s),
and the Director of Community Work Crews Central
Division or designee, shall be responsible for
the monitoring of inmate compliance with respect
to all activity requirements, including, but not
limited to, the eighty percent (80%) threshold,
as stated in 103 CMR 411.09~~(above at II.B);~~

1. The Superintendent or designee may recommend
EGT for inmates who are members
~~of successfully complete institutional work~~
~~assignments,~~ facility and work crews under
the Superintendent or designee's their
supervision and who successfully participate
in and complete facility work assignments
and respective inmate programs in accordance
with 103 CMR 411.
2. The Division of Inmate Education and
Training or designee(s) may recommend EGT
for inmates who successfully participate in
and complete education and vocation
activities in accordance with 103 CMR 411.
3. The Director of Community Work Crews Central
Division or designee may recommend EGT for
inmates who successfully complete Central
Community Work Crews in accordance with 103
CMR 411.

H.

The Director of the CDCU or designee shall be the
sole granting authority for all EGTEGT~~for~~

~~activities participated in during the final three (3) months of incarceration, including presumptive EGT, as the Commissioner's designee.(s). Recommendations for EGT for activities participated in during the final three (3) months of incarceration that do not meet the DOC's criteria, or the criteria set by M.G.L. c. 127, § 129D, requirements of the Standard Operating Procedure~~ shall not be granted.

411.11 Deductions for Inmates Confined in Facilities Other than DOC or County Correctional Facilities

A DOC inmate who has been transferred to a correctional facility operated by the federal government or another state (receiving state) may be granted deductions by means of the procedure listed below:

A. Inmates may receive deductions for activities, provided that satisfactory participation is documented by the receiving state on a progress report, and that the activity in the receiving state is substantially similar to an activity offered by DOC and approved by the Commissioner or designee as being eligible for EGT.

B. Inmates are eligible to receive deductions from sentence for education and/or program activities in the receiving state only if the activity is substantially similar to an activity offered by DOC and approved by the Commissioner or designee as being eligible for EGT and meets the following criteria:

(1) the activity must be staff monitored;

(2) the activity must be staff coordinated;

(3), attendance at the activity must be taken by staff;

(4). the activity cannot be predominately social in nature; and

(5) the activity shall be assessed by an authorized official in the other jurisdiction as to its service to inmates or the community via DOC's Request for Program and Education Approval Form.

- C. The Request for Program and Education Approval Form should be completed and signed by the Administrator in the receiving state, and then forwarded to the CFI Unit. Once documentation is received by the CFI Manager, it is submitted to the Director of Education and Training or the Director of Program and Reentry Services Division for evaluation of the activity.
- D. The CFI Unit is responsible for obtaining participation information for inmates transferred out of state to federal facilities, or inmates serving Massachusetts concurrent sentences in other jurisdictions. For inmates transferred out of state via the Interstate Agreement on Detainers or other extradition methods, the Records Manager or designee of the sending institution is responsible for obtaining this information and, upon receipt, forwarding it to the CFI Manager for processing.
- E. The amount of deductions from sentence for inmates housed in other jurisdictions shall be evaluated, processed, and granted in accordance with the deductions that are granted for an inmate's satisfactory participation in the most similar program offered by the DOC. A written program summary may be required prior to awarding deductions from sentence. Any program summaries or other documentation shall be submitted by the CFI Manager to the Director of Education and Training or the Director of Program and Reentry Services Division for evaluation of the activity.
- F. The CFI Manager or designee may recommend EGT for DOC inmates who are housed in other jurisdictions who successfully participate in activities in accordance with 103 CMR 411.
- G. The Director of the CDCU or designee shall be the sole granting authority for all EGT, including EGT for DOC inmates housed in other jurisdictions. Recommendations that do not meet the DOC's requirements, or the criteria in M.G.L. c. 127, § 129D, shall not be granted.

NOTE: A master list of all approved Program and

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Education Activities are maintained by the Director of Reentry and Program Services and the Director of Training and Education and are available on the respective Intranet pages

411.12 Emergencies

Whenever in the opinion of the Commissioner, Deputy Commissioner or Superintendent of a state correctional facility, an emergency exists which requires suspension of all or part of 103 CMR 411, the suspension may be authorized, provided, that any such suspension over forty-eight (48) hours shall be authorized by the Commissioner.

411.13 Responsible Staff

- A. The Commissioner shall be responsible for implementing and monitoring 103 CMR 411 throughout the Department.
- B. Each superintendent or a designee shall be responsible for the implementation of 103 CMR 411 and for the development of any and all necessary and appropriate institution procedures.

411.14 Annual Review

103 CMR 411 shall be reviewed at least annually by the Commissioner or a designee. The party or parties conducting the review shall develop a memorandum to the Commissioner with a copy to the Central Policy File indicating revisions, additions or deletions which shall be included for the Commissioner's written approval and shall become effective pursuant to applicable law.

411.15 Severability

If any article, section, subsection, sentence, clause or phrase of 103 CMR 411 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner, or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 411.00.

REGULATORY AUTHORITY

103 CMR 411: M. G. L. c.127, §§ 129C and 129D and
M.G.L. c. 14. Effective
Date

~~Sections II (A), (C), (D), and (E) of this standard~~
~~operating procedure is effective as of November 1,~~
~~2012. Section II (B) and Section III of this standard~~
~~operating procedure is effective on March 2, 2015.~~

124, §§ 1 (j) and (q).